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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,152	04/01/2004	Keiju Kishigami	Q80620	7358

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EXAMINER

WEISKOPF, MARIE

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/814,152

Applicant(s)

KISHIGAMI, KEIJU

Examiner

Marie A. Weiskopf

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04/01/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04/01/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-12 have been examined.

#### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

3. The disclosure is objected to because of the following informalities:
  - There are numerous grammatical errors within the specification and revision is required. Below are some examples of errors that occur:
    - Pg. 2, line 15 – "took" should be "takes"
    - Pg. 18, line 22 – "enables" is misspelled
    - Pg. 18, lines 24-25 – "...target point is a point where a route deviation is occurred..." should be changed to "...target point is a point where a route deviation *has* occurred..."

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Tamai et. al. (US 5,291,414.) Tamai et al. discloses a vehicle navigation system for guiding a vehicle along an optimal route comprising:

- In regards to claim 1, a route guidance learning device comprising
  - Operation inputting means for inputting the destination. (Column 3, lines 11-13)
  - Position detection means for detecting the current position. (Column 3, lines 53-55)
  - Map information acquiring means for acquiring map information. (Column 3, lines 20-27)
  - Route searching means for searching a route from the current position to the destination on the basis of information input through the operation inputting means, the position detecting means, and the map information acquiring means. (Column 3, lines 20-27)
  - Route deviant position determining means for determining a deviated position from the searched route. (Column 3, lines 56-57)
  - Route deviant position storing means for storing the determined route deviated position. (Column 3, lines 56-61)
  - Route guidance changing means for changing a route guidance on the basis of information on the route deviated position stored in the route deviant position storing means. (Column 4, lines 15-29)

- In regards to claim 2, the route deviant position storing means for storing the information on the route deviated position by correlating with information obtained by driver inputting means. (Column 3, lines 56-61)
- In regards to claim 3, the route deviant position storing means accumulated information on a newly determined route deviated position. (Column 4, lines 25-30)
- In regards to claim 4, the route deviant position storing means for storing the information on the route deviated position by correlating with information input by a driver through the operation inputting means. (Column 3, lines 56-57)
- In regards to claim 5, the route searching means for searching a route by getting around the route deviated position stored in the route deviant position storing means. (Column 5, lines 25-27)
- In regards to claim 6, the route guidance changing means changes the contents of a display of a route guidance. (Figures 5A-5C)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. Claims 7-9, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamai et al. (US 5,291,414) in view of Tada et al. (US 6,594,580.) Tamai et al. who discloses the above invention, fails to teach:

- In regards to claim 7, the route guidance changing means changes contents of a voice output of a route guidance.
- In regards to claim 8, the route guidance changing means changes volume of a voice output of a route guidance.
- In regards to claim 9, the route guidance changing means changes the number of times of a route guidance.
- In regards to claim 11, the route guidance changing means delays or advances timing of a route guidance.
- In regards to claim 12, the route guidance changing means is provided with route guidance method determining/changing means.

Tamai et al. discusses using route guidance information that contains voice data. Inherently, this will change as the directions change for when the vehicle deviates from the optimal path. (Column 5, lines 62-67) Tamai et al. does fail to disclose changing the volume of the voice output, however, it would be obvious to increase the volume to warn the driver that he/she is deviating from the optimal path or to lower the volume when the driver deviates from the optimal path so as to not bother the driver because they have deviated at this point before. Also, Tamai et al. discusses changing the number of times of a route guidance when the vehicle has deviated from the path. (Column 7, lines 53-67) Also discussed is deciding how much information is needed for guidance, depending on speed and also if deviation has occurred from that point before. This then determines delaying or

advancing the timing of a route guidance. (Columns 7-8, lines 64-9) Finally, Tamari et al. discusses choosing the guide level needed based on previous information. The guide level can be a display and/or voice output. (Column 12, lines 51-59) It would have been obvious to one having ordinary skill in the art at the time of the invention to change the contents of the voice output, change the volume of the voice output, change the number of times the vehicle deviates from a route, change the timing of the route guidance information and also decide whether voice and/or display should be used to give guide information in order to make guidance for the user easier and more understandable.

B. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tamai et al. (US 5,291,414) in view of Sato et al. (US 6,847,885.) Tamai et al. fails to teach changing the voice or playback speed of a route guidance. Sato et al. discusses calculating the estimated time until the vehicle reaches it's destination based on traveling information. From this, the playback speed of the voice output is decided. (Column 4, lines 17-32) It would have been obvious to one having ordinary skill in the art at the time of the invention to change the playback speed of the route guidance in order to provide more efficient guide information.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- US Pat. No. 5,311,434 to Tamai discloses a vehicle navigation system that gives the user new route guidance information once deviation has occurred.
- US Pat. No. 6,506,785 to Stefan et al. discloses a method and system for detecting and correcting off route navigation for server based route guidance systems.
- US Pat. No. 6,587,496 to Katayama et al. discloses a mobile navigation apparatus with route deviation indication.
- US Pat. No. 5,262,775 to Tamai et al. discloses a navigation system with off-route detection and route recalculation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie A. Weiskopf whose telephone number is (571) 272-6288. The examiner can normally be reached on Monday-Friday between 7:00 AM and 3:30 PM.

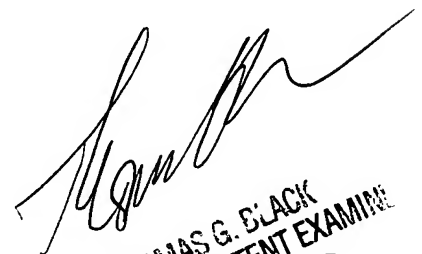
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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